IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

CRP.No. 1224 of 2005()

AGAINST THE ORDER DATED 23/07/2005 IN IA.46/04 IN AA.21/2004 of APPELLATE AUTHORITY,(LAND REFORMS) KANNUR

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REVN. PETITIONER: APPELLANT/RESPONDENT:

CHANDRASEKHARAN, S/O. CHATHUKUTTY,
ATHIKOTE (H), 14/536, FRANCIS ROAD,
KALLAI, KOZHIKODE DISTRICT.

BY ADV. SRI.C.P.MOHAMMED NIAS

RESPONDENTS/RESPONDENTS/PETITIONER

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1. SRIMATHI RAJKUMARI, C/O. GIRIVAS RAO B.,
19/968 C, CHALAPPURAM, PIN-673 002,
KOZHIKODE.

2. STATE OF KERALA, REPRESENTED BY
CHIEF SECRETARY, GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM.

BY ADV. SRI.V.V.SURENDRAN
SRI.P.A.HARISH
GOVERNMENT PLEADER SMT.LATHA THANKAPPAN

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 31/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

HARUN-UL-RASHID, J.

C.R.P No. 1224 of 2005

Dated this the 31st day of October 2007

ORDER

Harun-Ul-Rashid,J

The revision petitioner herein is the respondent in O.A. 1246/1999 on the file of the Land Tribunal Kozhikode. Being aggrieved by the order passed by the Land Tribunal the revision petitioner filed A.A No. 21/1004 seeking to set aside the order of the Land Tribunal and to cancel the purchase certificate issued in respect of 3.07 cents and to redeliver the said extent to the revision petitioner. The appeal was filed along with a petition for condonation of delay of 1165 days in filing the appeal. The reasons stated in the petition for condonation of delay is that the revision petitioner was ill during the relevant period and therefore he could not contest the case before the Land Tribunal. He was bed ridden from 10-10-2000 to 5-4-2004 and therefore he was unable to file the appeal and prosecute the case in time. The revision petitioner has also produced medical certificate before the Appellate Authority in support of his case for condonation of delay . Appellate Authority came to the conclusion that there is no evidence to prove that the revision petitioner came to know about the order passed only in January 2004. The Appellate Authority also entered the finding that there is no satisfactory explanation for the delay in filing the appeal. I also find that from the pleadings and evidence in support of the petition for condonation of delay, that he was laid up for the

period from 10-10-2000 to 5-4-2004 is not at all convincing. The case of the petitioner is that he was bed ridden during these years even if accepted, it does not prevent him from filing the appeal at the appropriate time. Therefore the reasons stated for not filing the appeal in time is not acceptable and the Appellate Authority was justified in dismissing the petition for condonation of delay and consequently the appeal . The long delay of 1165 days is not explained satisfactorily and therefore there is no sufficient reason for condoning the delay as rightly held by the Appellate Authority.

I find no reason to interfere with the order passed by the Appellate Authority. Therefore the Civil Revision Petition is dismissed.

HARUN-UL-RASHID, JUDGE

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